

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Merrimack Superior Court
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NOTICE OF DECISION

FILE COPY

Case Name: **In the Matter of the Winding Down of: The New Hampshire Medical
Malpractice Joint Underwriting Association**
Case Number: **217-2015-CV-00347**

Please be advised that on May 21, 2019 Judge McNamara made the following order relative to:

Receiver's Motion for Approval of Disposal of Records
"Granted."

and on May 22, 2019

Order Approving Disposal of Records
"So Ordered."
copy attached

May 23, 2019

Catherine J. Ruffle
Clerk of Court

(485)

C: J. Christopher Marshall, ESQ; Daniel John Mullen, ESQ; W. Scott J. O'Connell, ESQ; Kevin M. Fitzgerald, ESQ; Eric A. Smith, ESQ; J. David Leslie, ESQ

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

IN THE MATTER OF THE WINDING DOWN OF:

THE NEW HAMPSHIRE MEDICAL MALPRACTICE
JOINT UNDERWRITING ASSOCIATION

No. 217-2015-CV-00347

[PROPOSED]

ORDER APPROVING DISPOSAL OF RECORDS

On consideration of the motion of John R. Elias, Insurance Commissioner of the State of New Hampshire, as Receiver ("Receiver") of the New Hampshire Medical Malpractice Joint Underwriting Association ("NHMMJUA"), for approval of disposal of records pursuant to RSA 402-C:50, and the supporting affidavit of Peter A. Bengelsdorf, Special Deputy Commissioner, it is hereby found and ORDERED as follows:


1. In light of the winding down of the NHMMJUA and the upcoming closure of this receivership proceeding, the records of the NHMMJUA and the receivership of the NHMMJUA are no longer useful within the meaning of RSA 402-C:50.
2. The Receiver's Motion for Approval of Disposal of Records is granted.
3. The Receiver shall transfer to the New Hampshire Insurance Department the following records: (a) the pleadings in the NHMMJUA receivership proceeding; (b) the Assumption Agreement with The Medical Protective Company, including its schedules; (c) a schedule of the Stabilization Reserve Fund returns made by the Receiver together with the Receiver's filing with the Abandoned Property Division of the New Hampshire Treasury; and (d) the NHMMJUA's federal and state tax returns from 2013 forward, closure filings, and agreements resolving issues with the federal and state tax

authorities. The transferred records will be subject to the New Hampshire Insurance Department's record retention policies and procedures.

4. Subject to paragraph 3, the Receiver shall dispose of the records of the NHMMJUA and the receivership of the NHMMJUA that can be reasonably and cost-effectively destroyed, including but not limited to records held by The Hays Group, Inc. (former administrator of the NHMMJUA that provided services to the Receiver), Leone, McDonnell & Roberts (former accountants and auditors for the NHMMJUA that have provided services to the Receiver), the Special Deputy Commissioner, counsel for the Receiver, and any other persons providing services to the Receiver or NHMMJUA. Paper records shall be shredded and electronic records shall, where reasonably practical, be deleted.

So Ordered.

Dated: 5/22/19


Presiding Justice